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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/567,385

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Franc Arnold

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12/23/2010

OHLANDT, GREELEY, RUGGIERO & PERLE, LLP
ONE LANDMARK SQUARE, 10TH FLOOR
STAMFORD, CT 06901

EXAMINER

JOHNSON, VICKY A

ART UNIT

PAPER NUMBER

3656

MAIL DATE

DELIVERY MODE

12/23/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/567,385

Applicant(s)

ARNOLD, FRANC

Examiner

Vicky A. Johnson

Art Unit

3656

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6-15,17,19 and 25-35 is/are pending in the application.
- 4a) Of the above claim(s) 18 and 20-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-15,17, 19, and 25-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 9, 10, 31, 32, and 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 9 recites the broad recitation the supporting portion is wedge-shaped in cross section and, in longitudinal section, has a greater thickness outside than inside, and the claim also recites particularly at the transition to the holding portion, which is the narrower

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statement of the range/limitation; claim 32 recites the broad recitation at least one of said holding bar end extension and said clamp are at least partially covered by a shell covering, and the claim also recites particularly the clamp of the holding bar end extension, which is the narrower statement of the range/limitation.

Claim 35 recites the limitation "the sleeve slot" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 31 recites the limitation "the holding bar end extension" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 6-15, 17, 19, and 25-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Grätz et al (US 6,421,879), as best understood.

Grätz et al disclose a handlebar sleeve (1) comprising a sleeve slot (3) and a clamping area arranged at an edge of the sleeve (right side), a clamp (32) connected to the sleeve in the clamping areas, a grip element (7) connected to the sleeve, a holding bar end extension (31), wherein the grip element comprises a supporting portion (26) for supporting a palm of a user and a holding portion (upper surface of 25 or any portion of the grip element which can be held by the user) which form a common grip surface with the clamp (see Fig 10), wherein the holding portion projects into the clamping area at a

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distance from the sleeve so that there is a gap between the holding portion (upper surface of 25) and the sleeve (1) in the clamping area (see Fig 10), and a portion of the clamp (32) is disposed within the gap between the holding portion (upper surface of 25) and the sleeve (1), wherein, when the bicycle bar grip is placed on a handlebar, the holding portion and the supporting portion project in a rearward direction toward a user and the holding bar end extension (31) projects in a forward direction away from said user (col. 9 lines 45-55).

Re claim 2, the supporting portion (26) is in contact with said palm of a user when said user grips the grip surface (7).

Re claim 6, the supporting portion (26) comprises a contact surface being in contact with said palm of a user when said user alters their grip from the grip element (7) to the holding bar end extension or the clamp (32).

Re claim 7, the contact surface (26) is three-dimensionally configured; such that a turning of said palm of said user is affected on the contact surface while said grip is altered (see Fig 9B).

Re claim 8, the holding portion (upper surface of 25 or any portion of the grip element which can be held by the user) is configured such that it is also held at least partially when at least one of the holding bar end extension (31) and the clamp (32) are held.

Re claim 9, the supporting portion (26) is wedge-shaped in cross section and, in longitudinal section, has a greater thickness outside than inside (see Fig 9A and 9B).

Re claim 11, the holding portion has an inner contour corresponding at least partially to an outer contour of the holding bar end extension or the clamp (see Fig 10).

Re claim 12, at the supporting portion has a contour (see Fig 9B).

Re claim 13, both the clamp and the grip element are at least partially covered by a shell covering particularly the clamp of the holding bar end extension (see Fig 15).

Re claim 14, the shell is configured at least partially as a spacing fabric (66).

Re claim 15, wherein the grip element comprises a pad including a deformable material, the pad having a higher deformability than the grip element.

Re claim 17, the grip element comprises a connection projection projecting into the clamping area (see Fig 10).

Re claim 19, the clamp comprises a screw (35) cooperating with a blind bore thread, the screw being completely sunk in the clamp (see Fig 11).

Re claim 25, the bicycle bar grip has an offset relative to a handlebar (see Fig 9B).

Re claim 26, the offset is caused by a thickening provided substantially in the middle of the grip element (see Fig 9B)

Re claim 27, the holding bar end extension (31) or the clamp (32) and the grip (7) have a positive connection (36a, 36b) there between (see Fig 10).

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Re claim 29, a sleeve (1) for being placed onto a bike handlebar (6), the sleeve (1) comprising a clamping area at an end of the sleeve (see Fig 10); a clamp (32) connected to the sleeve (1) in said clamping area (see Fig 10), and a grip element (7) connected to the sleeve (1), said grip element (7) comprising a holding portion (upper portion of 25) at an end of said grip element near said clamping area (see Fig 10), wherein said holding portion (upper surface of 25) projects into the clamping area at a distance from the sleeve (1) so that there is a gap between said holding portion and said sleeve in said clamping area (see Fig 10), and a portion of said clamp (32) is in said gap between said holding portion and said sleeve (see Fig 10).

Re claim 30, said clamp (32) comprises a holding bar (41), said holding bar extending in a first direction (vertical portion) away from said sleeve, and wherein said holding portion extends in a second direction (angled portion) away from said sleeve, wherein said first direction is opposite to said second direction (see Fig 10).

Re claim 32, the grip element (7) and at least one of said holding bar end extension (31) and said clamp (32) are at least partially covered by a shell covering (60).

Re claim 33, the grip element (7) has an offset relative to a handlebar, on a side of the grip element that is opposite to the holding portion and the supporting portion (see Fig 9B).

Re claim 34, the offset is a thickening provided substantially in the middle of the grip element (see Fig (9B)).

Response to Arguments

Some further comments regarding the applicant's remarks are deemed appropriate.

The applicant argues that the Gratz et al reference fails to meet the limitations of the claims because it fails to disclose the gripping device (7) does not extend into the fastening area. Figure 6B shows the grip (7) extending into the fastening area, and therefore meets the limitations of the claims.

Applicant's remarks have been accorded due consideration, however, they are not deemed fully persuasive.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (571) 272-7106. The examiner can normally be reached on Monday-Friday (7:00a-3:30p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vicky A. Johnson/
Primary Examiner, Art Unit 3656